

# HOUSE . . . . . No. 1660

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By Mr. Hall of Westford, petition (accompanied by bill, House, No. 1660) of Geoffrey D. Hall and Steven C. Panagiotakos for legislation to regulate bids and requests for proposals for public contracts in the Commonwealth. State Administration and Regulatory Oversight.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.

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### AN ACT RELATIVE TO CONTRACTING IN THE COMMONWEALTH.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 30B of the General Laws, as appearing in  
2 the 1996 Official Edition, is hereby amended by inserting after  
3 Section 9 the following new section:—

4 Section 9A. A governmental body may cancel an invitation for  
5 bids, a request for proposals, or other solicitation, or may reject  
6 any such bids, proposals, or other solicitations for a contract with  
7 a school department or district if said governmental body deter-  
8 mines that any such bids, proposals, or other solicitations have  
9 been submitted by a person, as defined in section 2 of this chapter,  
10 who has been found to have a criminal record of any kind, or that  
11 any employee of said person has been found to have a criminal  
12 record of any kind.

13 A governmental body may cancel an invitation for bids, a  
14 request for proposals, or other solicitation, or may reject any such  
15 bids, proposals, or other solicitations for a contract with a school  
16 department or district if said governmental body determines that  
17 any such bids, proposals, or other solicitations have been sub-  
18 mitted by a person who has been arrested, at any time, for the vio-  
19 lation of any state or federal statute which if such a violation were  
20 to have been committed an employee of said department or dis-  
21 trict, could otherwise result in the termination of such an  
22 employee of said department or district, or if, in likewise manner,  
23 said governmental body determines that any employee of said

24 person has been arrested for the violation of any state or federal  
25 statute which, if such a violation were to have been committed an  
26 employee of said department or district, could otherwise result in  
27 the termination of such an employee of said department or district.

1 SECTION 2. Chapter 30B of the General Laws, as appearing in  
2 the 1996 Official Edition, is hereby further amended by inserting  
3 after section 10 the following new sections:—

4 Section 10A. Notwithstanding the provisions of any general or  
5 special law or any rule or regulation to the contrary, and in addi-  
6 tion to the penalties of perjury prescribed herein, any person, as  
7 defined in section 2 of this chapter, having a contract with a  
8 school department or district who fails to submit the name of any  
9 employee of said person, who in the course of said employee's  
10 work under said contract may have contact with any student of  
11 said department or district, to the chief of police of the munici-  
12 pality of said department or district requesting that said chief con-  
13 duct a Criminal Offender Record Information (CORI) check on  
14 said employee. Said person shall be punished by a fine of not less  
15 than ten thousand dollars nor more than fifteen thousand dollars  
16 for each violation of this paragraph.

17 Any person having a contract with a school department or dis-  
18 trict who knowingly employs, or permits to be employed by said  
19 person, or who said person transfers or causes to be transferred  
20 from one municipality to another any employee thereof, who may  
21 in the course of said employee's work may come in contact with  
22 any student of said department or district, or any other school  
23 department or district in the Commonwealth, and who has a crim-  
24 inal record of any kind. Said person shall be subject to a fine of  
25 not less than twenty-five thousand dollars nor more than fifty  
26 thousand dollars for any such violation of this paragraph. Who-  
27 ever is convicted of a violation of this paragraph shall be prohib-  
28 ited from contracting, directly or indirectly, with any city or town  
29 for a period of five years.

30 A person submitting a bid or a proposal for the procurement or  
31 disposal of supplies or services to a school department or district  
32 in which any employee of said person will in the course of said  
33 employee's work under any such bid or proposal have contact

34 with students of said department or district at any time shall cer-  
35 tify in writing, on the bid proposal, as follows:

36 The undersigned person certifies under penalties of perjury  
37 that, annually, on a date set by the school department or district,  
38 said person has submitted to the superintendent thereof a complete  
39 list, and any changes thereto during the course of the year, of all  
40 employees of said person who, in course of their work under this  
41 contract, may have contact with any student of said school depart-  
42 ment or district, and that said person shall have submitted, prior to  
43 the aforementioned said date and prior to said list's submission to  
44 said superintendent, an official request of the chief of police of the  
45 municipality of said department or district that said chief conduct  
46 a Criminal Offender Record Information (CORI) check of all  
47 employees on said list, and any changes thereto during the course  
48 of said year, and that as a condition of such employment with the  
49 undersigned each such employee shall be found to have no crim-  
50 inal record, nor shall any such employee of said person be under  
51 arrest or awaiting trial for violation of any state or federal statute,  
52 which if such a violation were to be committed an employee of  
53 said department or district could otherwise result in the termina-  
54 tion of such an employee of said department or district.

55 In addition to any other information said school department or  
56 district may deem necessary, the aforementioned list, and any  
57 change made thereto, shall contain the name, social security  
58 number, address, telephone number, and date of birth of any such  
59 employee.

60 As used in this certification, the word "person" shall mean any  
61 natural person, business, partnership, corporation, union, com-  
62 mittee, club, or other organization, entity, or group of individuals.

63 \_\_\_\_\_  
(Signature of individual submitting bid or proposal)

64 \_\_\_\_\_  
65 (Name of business)

66 Section 10B. Notwithstanding the provision of any general or  
67 special law or any rule or regulation to the contrary, no person, as  
68 defined in section 2 of this chapter, having a contract with a  
69 school department or district shall permit any employee of said  
70 person, who in the course of said employee's work may have con-

71 tact with any student of said department or district, to work as a  
72 part-time, or a substitute or emergency replacement employee at  
73 any time during the term of such contract until, and unless, said  
74 person has notified the superintendent of said school department  
75 or district, that said person has submitted an official request to the  
76 chief of police of the municipality of the school department or dis-  
77 trict requesting that said chief conduct a Criminal Offender  
78 Record Information (CORI) check of said employee, and that, to  
79 the satisfaction of said chief and said superintendent, said  
80 employee has been found to have no criminal record, nor shall any  
81 such employee of said person be under arrest or awaiting trial for  
82 violation of any state or federal statute, which if such a violation  
83 were to be committed an employee of said department or district  
84 could otherwise result in the termination of such an employee of  
85 said department or district. Said person shall be punished by a fine  
86 of not less than ten thousand dollars nor more than fifteen thou-  
87 sand dollars for each violation of this paragraph.

1 SECTION 3. Chapter 30B of the General Laws, as appearing in  
2 the 1996 Official Edition, is hereby further amended by inserting  
3 after section 12 the following new section:—

4 Section 12A. A governmental body may null and void a con-  
5 tract with a school department or district of a person, as defined in  
6 section 2 of this chapter, if said governmental body determines  
7 that said person, or any employee thereof, is found to have a crim-  
8 inal record of any kind.

9 A governmental body may suspend any such contract, for so  
10 long as it may determine, at any time during the term of said con-  
11 tract, if said governmental body becomes aware that said person,  
12 or any employee thereof, has been arrested and is awaiting trial  
13 for the violation of any state or federal statute which if such a vio-  
14 lation were to be committed an employee of said department or  
15 district could otherwise result in the termination of such an  
16 employee of said department or district.

17 In likewise manner, a governmental body may null and void  
18 any such contract, at any time during the term of said contract, if  
19 said governmental body becomes aware that said person, or any  
20 employee thereof, has been arrested and convicted of the violation  
21 of any state or federal statute which if such a violation were to be

22 committed an employee of said department or district could other-  
23 wise result in the termination of such an employee of said depart-  
24 ment or district.

1 SECTION 4. Chapter 71 of the General Laws, as appearing in  
2 the 1996 official Edition, is hereby amended by inserting after  
3 section 7C the following new section:—

4 Section 7D. Notwithstanding the provisions of any general or  
5 special law or any rule or regulation to the contrary, all school  
6 buses in the Commonwealth shall be equipped with a see through  
7 Plexiglas display device attached to and located on the interior  
8 front of said bus above near the right forward facing window. Said  
9 display device shall permit, at all times, in an unobscured and  
10 prominently displayed fashion on each school bus the bus driver's  
11 valid commercial driver's license (CDL). All school bus drivers in  
12 the Commonwealth shall display their valid and most recent com-  
13 mercial driver's license (CDL) at all times in the Plexiglas display  
14 device when operating said school bus. Failure of the school bus  
15 owner to equip or to maintain said display device properly, at any  
16 time, shall result in a two hundred and fifty dollar fine to the  
17 owner of said school bus for each school bus found in violation of  
18 this paragraph by any school department.

19 Notwithstanding the provisions of any general or special law or  
20 any rule or regulation to the contrary, the driver of each school  
21 bus shall display at all times when operating said school bus, in  
22 the display device described in the first paragraph, said driver's  
23 valid and most recent commercial driver's license (CDL) and a  
24 most up to date passport size picture of themselves. If the school  
25 department or district finds that the school bus driver has failed to  
26 display the driver's commercial driver's license (CDL) and picture  
27 properly in the display device said driver shall be fined fifty dol-  
28 lars for driver's first violation, and one hundred dollars for each  
29 violation by said driver thereafter.

1 SECTION 5. Chapter 90 of the General Laws, as appearing in  
2 the 1996 Official Edition, is hereby amended by inserting after  
3 section 8A½ the following paragraph new section:—

4 Section 8AA. Notwithstanding the provisions of any general or  
5 special law or any rule or regulation to the contrary, all school

6 buses in the Commonwealth shall be equipped with a see through  
7 Plexiglas display device attached to and located on the interior  
8 front of said bus above near the right forward facing window. Said  
9 display device shall permit, at all times, an unobscured view of  
10 the school bus driver's valid commercial driver's license (CDL).  
11 All school bus drivers in the Commonwealth shall display their  
12 valid and most recent commercial driver's license (CDL) at all  
13 times in the Plexiglas display device when operating said school  
14 bus. Failure of the school bus owner to equip or to maintain said  
15 display device properly, at any time, shall result in a two hundred  
16 and fifty dollar fine to the owner of said school bus for each  
17 school bus found in violation of this paragraph by any school  
18 department.

19 Notwithstanding the provisions of any general or special law or  
20 any rule or regulation to the contrary, the driver of each school  
21 bus shall display at all time when operating said school bus, in the  
22 display device described in the first paragraph, said driver's valid  
23 and most recent commercial driver's license (CDL) and a most up  
24 to date passport size picture of themselves. If the school depart-  
25 ment or district finds that the school bus driver has failed to dis-  
26 play the driver's commercial driver's license (CDL) and picture  
27 properly in the display device said driver shall be fined fifty dol-  
28 lars for driver's first violation, and one hundred dollars for each  
29 violation by said driver thereafter.